ROADS

its well-constructed and durable roads which cross at all parts of the country. For those who have not the leisure to travel slowly in their own automobiles or one of those which may be easily hired with careful and skilled chauffeurs, and yet who wish to travel independent of the time-tables of the official service, there are motor-coaches available which make excellent connections with each other in any town. Albania may be reached by good roads from Greece and Yugoslavia; by sea on Italian, Greek or Yugoslavian lines and by air from any metropolis in a few short hours.

6: Lane T-3 (no date) 1923 EGl Albania EGl

and white, hundreds of stripes, each as wide as the stone house down in the blue distance.

We knew it was a large house; we could hardly have seen it if it had been a small one; it looked as large as a match box.

"The byraktor of Shoshi lives there, Mrs. Lane, and I think we had better stay with him to-night," said Rexh. "There is a priest, but he is four miles farther down the valley, and we would have to come back in the morning, for this is where the trail begins to cross the mountains to Scutari. Also, if there is a mule in Shoshi, the byraktor will know him."

So we began dropping down to the house, the Shala man much pleased by the adventure of calling upon his enemies' war chief. We went easily, for the way was a gigantic staircase of cliff and terraced green field. Each field had its little house of stone; the trails down the cliff were broadened and held up by walls of stone. True, the centers of the trails were running ankle deep in water and springs gushed from every wall, but the effect was of ease and order and fresh green things, and before we reached the house of the byraktor my head was clearer and my breath no longer stabbing pains.

How to account for it I do not know; I am sure that in happier conditions I should have had pneumonia. But the fact is that after nearly forty miles of incredibly difficult journeying over those mountains in twelve rain-drenched hours, I came to the byraktor's fire weak, it is true, and

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

CHAPTER VIII

ROADS

Very strict rules were laid down for the construction and the maintenance of roads, 'the arteries of the land' as they were called by the tribesmen.

Two main types were recognized: the public highway, 'the big road', or 'the general road' and the footpath. The former led through a village or from one village to another, and consequently was often called the 'village road'. Yet another name was 'ward road' of a village which separated two wards. A footpath lay most often across fields, but it seemed only in Zerqan that it was described as a 'field-path', 'road wide enough for a foot', or plain 'road'.

The law said that a public highway must be a horse-track, wide enough for a loaded packhorse or a pair of plough-oxen with their plough to pass along it, unimpeded by any hedges, walls or trees that might fringe it. The minimum width allowable was consequently eight spans, the equivalent of 5⅓ feet or 1·62 metres. Where more space was available, whether on mountain wastes as in Martanesh or waterless downs as in Perlat, the road was often wider, so it was eight to twelve spans wide in Çermenikë, ten to twelve in Martanesh and Godolesh, sixteen in Zerqan and twenty-four in Perlat. In spacious Krasniqë a road for plough-oxen was usually a trifle wider than a horse-track, but there were no hard and fast rules for the width of either; the only criterion was traffic needs.

Provided that a man carrying a spade on his shoulder could pass, a footpath was wide enough; rules were not so rigid for these as for highways. Consequently some were only one, and many, especially in Mirditë, only two spans wide. In other places, however, footpaths from three to six spans in breadth were found. In general a path across irrigable, cultivated land tended to be narrow and one across, say, rough pasturage broad.

These rules were for mountain roads, where there were usually so many stones that there was no mud, and the ground remained firm under the feet in all weathers. A highway across a plain,

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

especially near the sea, where the soil is alluvial and stoneless, had to be thirty-two spans wide (7 yards or 6·48 metres) in order to give a pack-horse space to dodge the mud-holes in winter, when the road became a morass. Excellent examples of this type of road traverse the half-drained marshes of Ngurëzë at the mouth of the river Mat.

Mountain roads eight spans wide led to villages 'where carts had never gone'. Certain other roads led to the rare villages 'where carts had gone'. These crossed firm inland plains such as the floor of the valley of Shkrel or the plain of Nangë in Lumë; in Shkrel they had to be twelve spans wide (8 feet or 2·43 metres), and in Lumë wide enough to take a cart. A picturesque detail from Mirditë is that a 'flag-road', that is to say, a road along which a flag was carried in tribal, wedding or other processions, had to be as wide as the flagstaff was long.

Roads always followed boundaries; as a general rule, when one passed two wards or two neighbours, exactly half of it had to be in the territory of each. In other words, their boundary had to run down its exact middle. Few modifications of this law are to be noted. When fields were on a slope, the road between them was often made on the upper one. The elders laying it out had reasoned that it would gradually slip down the hill, increasing the area of the upper field and diminishing that of the lower one. When there was an irrigation channel by the road, rules varied. In Theth one neighbour left three spans of land for the channel, and the other the same amount for the adjacent footpath. Their agreement might be verbal, noted only by witnesses, or it might be written down by the priest as tribal clerk and placed in the church archives. Each neighbour had full access to path and channel alike. In Lumë, on the other hand, a path was left on both sides of an irrigation channel. These were not only for men to walk on but also for maintaining the sides of the channel, a necessary safeguard even on level ground. Each neighbour, having his own path, was less liable to quarrel with the other.

In Perlat a highway was twenty-four spans wide (16 feet or 4·86 metres), to enable a horse laden with firewood to pass another without the loads touching. Elsewhere there was no provision for two-way traffic. Road-making in our sense did not exist, and roads were merely trodden out by man or beast in the scanty space available between fields or across mountain slopes. On a typical

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685 A man could not, without the elders' consent, close an old road
491 that, having been used by his fellow-travellers, bridal parties and
494 funeral processions, was public property. If he did, it was reopened
423 by the elders, sometimes by force. He was often fined too. If he had ploughed it up, so that its line was uncertain, they sought out an old trustworthy man and made him show them under oath and in the presence of witnesses where it had been. Then the offender was ordered to open it again, removing any fence he had erected and, by way of penalty, to give a meal and small fee to the old man and the witnesses. If he shut it up once more he was liable to be shot.

491 As always, there were exceptions to the general rule. Owing to
494 the marshy nature of the land most of the fields near the mouth of
423 the river Mat were enclosed by hedges of living willow and
[487] communicated with each other by stiles, not gates. If the public, having formed a shorter route, no longer used a certain field-path, the owner of the field could close the path and the stiles at either end without any compulsion to reopen them; the public had the shorter road and one was enough. If a man bought a field which had a road round it and a right-of-way through it, he had the right to close the latter and to make the public go by the road; only if a long detour was involved could he be forced to leave the right-of-way open. On the other hand, if his new-bought field was bordered not by a road but by another field, he could not block the right-of-way unless he made a new road entirely within his own boundaries. This was substantially the law which governed changes of road all over north Albania. In Lumë a distinction was drawn between permanent roads which had to remain open all the year round and winter roads which could be closed in summer. The first were known as 'roads with a boundary'; the most important led to the high pastures on Mount Gjalicë. Winter roads generally went through fields and were closed to men and animals from seed-time to harvest; as soon as the crop was in, the roads were opened to traffic. If somebody had great need to use one during the season, he might take what he could carry and go along the very edge of the sown land, taking pains not to damage the growing crop. He could not make a habit of this or take his horse and must not forget to ask leave from the owner of the land. Again, a few roads to the Alpine pastures passed through wheat fields on their way. As a necessary link with the high pastures they could not be completely closed even when the fields were under crop. An ingenious

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shoot as much as they pleased but could not have their way; the village could not be shut up by mud, and the public good overrode private loss. The new road was a permanency and could not be closed or moved back to the old site except by the elders. According to Vatë Marashi, the bajraktar of Shkrel, it was easier to move the bad road than to try to mend it. If it was under water, all the owners of the land through which it ran had to unite to repair it, making a ditch, repairing bridges and so on. But they had to decide unanimously to repair it; if even one hung back nothing could be done. The ditch too could only be made where there had once been one before. And men whose land was some distance from the road would object to having the water diverted from the road towards their fields.

New roads were constantly being opened, if only because brothers were constantly dividing their father's property and setting up separate establishments. For the law said 'every field must have access to a public highway' and 'every house must have its road'. Consequently, the elders supervising the separation were careful to specify the exact direction and character of the old roads which the brothers might use and the new ones which they might make to and from their houses and fields. The laws were the same everywhere. If there were two brothers, each took half the father's field. When there was no cultivated land beyond this they might make no path at all or they might make a little path along the boundary between them, only two spans in width, as this was enough for their own needs. Naturally each set aside land for half its width; as this could not be worked, it was soon grass-grown. When there was someone else's field beyond their own and there was no other way of entering this, they were bound to leave a track wide enough for a horse laden with panniers of manure or for a pair of plough-oxen. As with a field-path the land for this track came from each.

A more complicated case occurred if three brothers inherited a field which had a public highway running along its length, and was divided into three longitudinal strips with the boundaries parallel to the highway. Let it be supposed that the family home remained in the central strip. A road to the highway from the inmost strip was a prime necessity. It was most economically made by constructing a path to the old road that connected the family home with the highway. But the new owner of the central strip might

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487 object to its coming so near his house. In that case the elders
596 directed him and the owner of the outermost strip to leave land
423 elsewhere for it. As for the houses which the brothers in the innermost and outermost strips had to build, the former had only to see that his stood the canonical distance, the width of the eaves from his neighbour's boundary. The most convenient and economical site for the outermost brother to build on was a corner by the highway. But remembering that his dog might bite strangers and his children be trampled on by passing animals, he generally built his house with its back to the road and its yard facing his field. Alternatively, in Krasniqë, by what seems undue licence, he could ask his neighbour to remove the public highway to his land. If the latter owned waste ground or a hill close by, he was compelled by the elders to accede to the request. He could only refuse it by convincing them that in its new position the road would spoil his land.

487 New roads were sometimes necessitated by sales of land, and
423 might cause trouble. Suppose a field surrounded by four others was offered for sale and the owners of the surrounding fields were unable to buy it. Someone farther away, always described as a 'stranger', then bought it and demanded a road. The natural line for this was through the field between his purchase and his house. If the owner of this field objected, the stranger bade him buy the enclosed plot. When he refused, as he inevitably did, the stranger referred the case to the elders. If these, he said, could cite any previous purchaser of a field which had no way in and out, he could not claim the road. If, on the other hand, and this was sure to be the case, they found it was good law that 'land is never sold without a road' he had to have it. There was, as usual, no need to compensate the man whose land it took up. Fear of such complications made some men, when selling a piece of land, retain the adjoining road in case they themselves or their descendants wished to use it later on.

[491] A man was undisputed and sole master of the path that led across his field from a public thoroughfare to his house and ended there. According to the letter of the law, whatever the condition of the public road—good or bad, a sea of mud or even washed away in a winter storm—animals and wayfarers had to keep to it or to find another. They could not bypass the bad stretch by taking the path to the man's house; that was his private property, reserved for

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his household and his visitors. Bridal parties or funeral processions which tried to pass along his path[1] to evade the difficulties of the highway were not so likely as habitual travellers to attempt to create a precedent, but he had the right to turn them back. If they tried to force their way past him he had the right to shoot them. Many a corpse, to quote Father Gjeçov, has found comrades in death before being buried, and many a bride has mourned the loss of a kinsman in her escort on the way to her bridegroom.

If, however, at a time when the highway was impassable, occasional travellers asked a man's leave to use his path he often granted their request. But he always made it clear that the right of passage was temporary and stipulated that his honour was not to be smirched or his property damaged. In Shkrel a man whose field adjoined a road liable to bogging in winter often left enough land in the field for a new road. This he did as alms. Any timber on either side of the new road remained his private property, and could not be cut down by anyone else though he was free to cut it as and when he pleased. He could also close the road at his pleasure; even if the public had used it for years, usage did not create a right and rob a man of his land. Sometimes a village, to suit its convenience rather than to meet its need, asked a man to allow the public to go through his land. He usually agreed, but always stipulated that if any damage was done or he needed to work the land, he should be entitled to close the right-of-way, informing his fellow-villagers that they must not come that way any more. If this became necessary, he was not required to provide an alternative, as a man who moved a public road must do. He had opened the road as a favour, and what was given as a favour could not be retained by force. The option of closing the road descended to his heirs.

The private ownership of a road is seen at its most interesting in the case of a blind alley. This was seldom wide enough to take two persons abreast and had an entrance but no exit. The commonest type led across a man's field from a public thoroughfare to his house, where it came to a dead end. In this case it was his sole property, and if he liked he could plough it up without consulting anybody. Another type served several houses, and was held jointly and equally by these. The common ownership had its drawbacks. Two out of three owners, for instance, might wish to plough up the section passing through their fields. Though this

[1] [i.e. the private path of a man -- Analyst]

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might mean his going a long way round in future, the third owner could not oppose their wish. Again the land on both sides of an alley which three families used might belong to a fourth man. If he persuaded or bribed two of the three to let him plough it up, the third man had to acquiesce. A third type of blind alley began and ended in a single field.

All types of alley were private property reserved for the sole use of their owner, joint or single, and his family and lawful visitors. If he found anyone else on it he could turn him back as an intruder, and if he refused to comply could shoot him. This was irrespective of whether he did damage or not. An honest man would not trespass. Consequently, a trespasser's intentions were felonious. In Labinot a 'foreigner' from another village was licensed to use the blind alley once. He might be unaware that he was trespassing. In Zerqan, too, if he did not trespass more than once most owners said nothing to avoid disgracing themselves. A foreigner has his rights. In truculent Lumë no allowance was made for ignorance. About 1900 three men lost their lives because a stranger from the town of Prizren rode by pure mischance along a blind alley in a field in the village of Stiqan and resisted the owner's attempt to turn him back. In all districts a fellow-villager who trespassed could not plead ignorance as a stranger could; consequently his fault was graver. Even so he was not shot in Zerqan till other measures had been tried and failed. First the owner asked him not to use the blind alley again. If he persisted the owner complained to the village and the village forbade the man to go by the path. If he still persisted the village fined him. If he still persisted the owner shot him. Such was the theory, but in practice a strong man skipped the diplomatic stages and shot the offender at his first or second offence. Sometimes a fellow-villager who had a genuine need to use a private road, for instance, to regulate his irrigation water, might be given permission to do so. But he had to go on foot and could not take his horse.

In Godolesh, exceptionally, the question of damages affected the rules for blind alleys. Such paths traversed the market gardens on which the village still depended for most of its livelihood. Usually each belonged to several owners, any of whom might use it throughout its length, though they were forbidden to introduce animals as these might damage the fruit and vegetables. A trespasser was pardoned up to three times, then one or more owners

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complained against him to the elders, and he was fined ten grosh in Turkish and two gold francs in modern times. In Turkish times a strong man often forced his way through and only a weak man, cowed by the guns levelled at him, turned back. The principle of private ownership was carried so far in this village that it extended even to a certain garden road which was not blind but had an exit as well as an entrance. This was reserved for the villagers of one ward, and forbidden to their animals, to the rest of the village and to 'foreigners', with one exception. If a girl from another ward or village had married into the privileged ward her kinsmen had leave to use the forbidden path when on their way to visit her. If even one man in the ward objected, however, he had the right to veto their passage. It is not known how this unusual privilege came into being. The most obvious explanation would be that the families in the ward descended from a common male ancestor, but, in fact, the families were of very mixed descent.

In the extreme north the individual's safety on certain inter-tribal thoroughfares was ensured by what was called the 'truce of sheep and shepherd', because it mainly concerned shepherds and their flocks. Actually travellers and public messengers also enjoyed its protection. Two or more tribes, meeting in full assembly of all their bajraktars, heads, and youth, swore a solemn truce to attacks on life and property on a given route or routes within their territory, and guaranteed its observance. They prescribed the limits of the road which it covered, regulated the behaviour of persons taking advantage of it, and enunciated penalties for breaking it. Thus, a shepherd could lead his flock and graze it only within a prescribed limit. A traveller or public messenger journeying from one of the contracting tribes to another had both going and coming to keep within the points fixed. As soon as he had set foot in the foreign tribe's territory he had to go straight to the bajraktar's house and not turn aside to any other. He must not venture out alone but must always be accompanied by the bajraktar or a guide of his providing. So long as shepherd, traveller or public messenger obeyed these rules and kept to the prescribed road, he was regarded as a public guest and consequently was guaranteed public protection and, what was almost more important, public vengeance in the event of being murdered or robbed. Protection came from the knowledge of the penalties which the foreign tribe would exact for any harm done him. If he were murdered the price of his blood

[in the village of Godolesh --Analyst]

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1
[Laws enacted in Kastrat and Bajzë on Nov. 1, 1892]

681 2. Wounding a man means a fine of 1500 grosh and 12 rams.

[627] 3. Whoever fines another without doing it through a General Assembly and by common consent, will be fined 1000 grosh and 10 rams.

4. Whoever disputes with another or calls him names or aims his rifle at him in the following places—Breg i Shpellës, Viri, and Krue i Ri —will be fined 1000 grosh and 10 rams.

5. Whoever breaks down another's hedge in order to make a patch for himself must pay 150 grosh (3 rams) to the owner of the hedge.

6. Whoever murders anyone on the high road will be fined 3000 grosh and 24 rams.

7. Whoever robs another's house or sheepfold will be fined 500 grosh and 5 rams.

8. Whoever dishonours a woman or an engaged girl will be fined 3000 grosh and 10 rams.

[692] 9. Whoever does not wish to engage elders and goes away saying 'May I never forgive you' will be fined 500 grosh and 5 rams.

[233] 10. Whoever lets his animals graze on another's land will be fined 250 grosh and 3 rams.

[423] 11. A man who will not hear of fencing in his portion of land, going halves in the fence with his neighbour, will be fined 250 grosh and 3 rams.

12. A man who does not meet his obligations at the term fixed will be fined 23 grosh.

13. Whoever steals an ox, a cow or a horse in his own village will be fined 500 grosh and 5 rams.

14. A man who does not respond to the village's call to come to a General Assembly or some other requirement of the village will be fined 250 grosh.

[487] 15. A man who closes a gap which has always been in the hedge will be fined 150 grosh.

16. The chiefs are to meet in General Assembly once a year, one [623] week after St John's Day. Whoever does not conform to this decision will be fined 500 grosh.

[693] 17. 'Pledge elders' are not to take more than 10 grosh as their fee for a judgement, and commoners not more than 5 grosh.

[628] 18. Whoever murders his adversary after their feud has been compounded by order of the government will be fined 12 purses and expelled from the village and turned into a ghost.

681 19. A dog which enters a vineyard with a wooden collar on its neck
231 may not be killed. A dog which enters a vineyard or field without a wooden collar may be killed.

20. Whoever brings a house-dog with him to church or to Shpellë will be fined 50 grosh.